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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/731,941	ENGLMAN ET AL.	
	Examiner	Art Unit	
	EMMANUEL OMOTOSHO	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/10/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> a. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-13, **15-17, 25-26, 30, 34-35, 37, 39, 42-49** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. US 2003/0216169 A1 in further view of Cooper US 2004/0266507 A1

3. Claim 1: Walker et al. teaches a gaming machine capable of providing a benefit mode (enhanced mode) during a game session (Page 1 Section 0014). The benefit mode provides extra game features that are considered beneficial to the player. It should be noted that the 'benefit mode' is being viewed as the 'enhanced mode'. After a player begins the game (initial mode), the controller will determine if certain conditions are present. If the conditions are met, the controller will display a video message indicating that a benefit mode with certain benefits will be provided if the credit balance is increased (Page 1 Section 0014). If the player inserts additional wager (Page 5 Section 0044), a set of benefits will be provided to the player and the player can then select a particular benefit by inputting his/her selection through an input device (Page 5 Section 0054).

4. Claims 2,11,15-16,25-26,34-35,42: detecting the first wager includes detecting a first credit amount, and wherein detecting the second wager includes detecting a second credit amount (Par 14).

5. Claims 3,17,43: enabling enhanced game play includes one or more of increasing a likelihood of an occurrence of a bonus game, lowering a threshold for triggering the bonus game, or decreasing a likelihood of an occurrence of a bonus game terminating event (Par 59).

6. Claims 4,44: awarding a bonus game to the player (Par 59).

7. Claims 5,45: enabling enhanced game play includes increasing a value payout average of a second plurality of value payouts associated with bonus game play of the bonus game (Par 61).

8. Claims 6,.46: enabling enhanced game play includes increasing a likelihood of an occurrence of a bonus game and increasing a value payout average of a second plurality of value payouts associated with bonus game play of the bonus game (Par 59 and 61).

9. Claims 7,47: enabling enhanced game play includes increasing a value of the plurality of winning game outcomes (Par 61).

10. Claims 8,48-49: enabling enhanced game play includes awarding a predetermined number of credits to the player if the outcome of the wagering game is a non-winning outcome (Par 58).

11. Walker fail to specifically teach

b. a second wager that is risked on the same wagering game such that the second wager increases an expected value of payouts for the first wager.

c. Displaying a partial outcome of the game and displaying a full outcome of the game in response to the second wager.

12. Cooper teaches of a wagering game in which the player is given the chance to make a second wager that is risked on the same **randomly selected outcome of the** wagering game such that the end winning payout is either increased (**i.e. the more you bet, the higher the payout when you win**) or decreased based on the game outcome (Par 16-17).

13. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Cooper's teachings to provide the player with a chance of a higher payout ratio after the game has started. The motivation comes from Fulton US Patent 5,820,460 **col 1** lines 16-24.

14. In addition to Cooper's teachings of increasing the winning payout, Applicant should still respectfully note that Walker et al also teaches this feature. Whether or not the credit balance taught by Walker indicates credits, or currency that belongs to the player, the limitation of increasing the value payout is still taught. For example, Walker et al. teaches a few benefits that increase the value payout average of a game. One way is through extra coins for any outcome once the benefit mode is activated. With this benefit, a player can use the coin for more spins which will result in an increase in value payout average when compare to the base mode (Page 5 Section 0058).

15. Walker et al. also teaches the benefit as an increase in the probability of entering a bonus round (Page 6 section 0059). It should be noted that it is well known in the art of wagering game for the game machine to award a bonus round as means to further entertain the player.

16. In regards to claim 7-9,11-13,30,37,39 Cooper also teaches increasing the winning payout as shown above and Walker et al. also teaches the benefit as awarding an extra credits to the player in a wining outcome, this increases the value associated with the wining outcome. Furthermore, the benefit could also award a credit amount when there is no wining outcome (Page 5 Section 0058).

17. As mentioned above, Walker et al. teaches a method for entering a benefit mode when a 'certain condition' is met after the player starts the game play. As mentioned above, Walker et al. and Cooper teaches one of the benefit modes to be an increase in the value payout of an outcome. Moreover, Cooper further teaches displaying a partial outcome, receive a second wager, and then display the full outcome (Par 16). Cooper also teaches that the display could be of slot reels (Fulton 5,820,460, incorporated by reference, Par 5 lines 6-19). It would have being obvious to one of ordinary skill in the art to incorporate Cooper's teachings of displaying a partial outcome, receive a second wager, and then display a full outcome. This further entertains and entices the player to bet more money now knowing the full outcome of the game.

18. Claims 14-23,26-27,29,31-33,36,38,40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker and Cooper as shown above and further in view of Marks et al. US 6960133B1.

19. Walker et al. as modified by Cooper teaches all subject matters except the capability of repositioning a wild symbol to maximize the value payout to the player. Moreover, Walker et al. teaches that the benefits provided to the player are not limited to the ones mentioned in the examples (Page 5 section 0057) and that modifications to the system could be made by those skilled in the art (Page 8 section 0084). However Marks et al. teaches a method for repositioning predetermined symbol to maximize the players value payout when a predetermined symbol appears in the displayed reel symbol array (Column 6 lines 41-52). Marks et al. further pointed out that the predetermined symbol eligible for repositioning could be a wild symbol (Column 14 lines 30-37). Therefore, it would be obvious to someone of ordinary skill at the time of the invention to combine Walker et al.'s reference with Marks et al.'s reference in an effort to increase the players interest and excitement by offering more benefits to the player if the player places more wager.

20. However, even though Mark et al. did not specifically show a change in color of reel symbols as shown in claim 21, it is well known in the art to change the color of a particular symbol as means to further entertain the user and indicate a jackpot activity or a specific bonus round activity. For example, Kato US 2003/0087688 A1 Par 51 teaches such limitation.

21. In regards to claim 19, Walker as modified by Cooper fails to teach providing the option when the maximum number of pay lines is selected. However, providing a special option when the player selects the maximum number of pay lines is well known

in the art to further entice the player to bet more money. For example, White et al US 2003/0092480 A1 Par 51 teaches such limitation

22. In regards to claim 20, Walker as modified by Cooper did not specifically teach including 15 reel symbols and wherein the maximum number of pay lines includes twenty pay lines. . However, in light of applicant's disclosure, it seems that this limitation as stated does not provide any advantage, used for a particular purpose or solves a stated problem. Therefore, the examiner holds this limitation as a mere design choice well within the skill set of an ordinary skill artisan.

23. In regards to claim 23, both Walker and Marks teaches the adaptable mechanical/electromechanical spinning reel slot machine (Marks Fig 1, Col 1 lines 15-25) and the flat panel transmissive display (Walker Page 2 Par 0021, i.e. LCD and LED flat panels are known to be transmissive).

24. Claims 24 – 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker, Cooper and Marks as shown above and further in view of Meyer. US App No. 09/971139.

25. Walker et al. teaches a gaming machine or a network of gaming machines (Page 11 Section 0189) capable of providing a benefit mode (enhanced mode) upon a triggering event (e.g. more credits added) during a game session (Page 1 Section 0014). The benefit mode provides extra game features that are considered beneficial to the player.

26. Walker et al. teaches all subject matters except specifically choosing the extra game feature to be an extra symbol added to the reel or an extra pay line added to the

game. However, in a similar invention offering a bonus game during a base game, Meyer teaches the bonus round comprising a game feature capable of adding extra symbol/pay lines on the display screen to further escalate the game activity as the game progresses and further maintain the players interest (Page 2 Section 0035-0037). Moreover, Walker et al. teaches that the benefits provided to the player are not limited to the ones mentioned in the examples (Page 5 section 0057) and that modifications to the system could be made by those skilled in the art to further maintain the players interest and attract more players to such gaming device (Page 8 section 0084). Therefore it would be obvious for someone of ordinary skilled in the art at the time of the invention to have combined the references art to further maintain the players interest and attract more players to such gaming device.

Response to Arguments

27. Applicant's arguments filed 12/26/07 have been fully considered but they are not persuasive.

28. On pages 2-3, applicant argues, "Cooper discloses a poker game in which a player can "allocate wager(s) to any, some or all game hands and prompt play." Cooper, ¶ 22. Further, the "wager may be allocated to a single hand, between several hands or a portion allocated to each game hand." Id. Thus, the player in Cooper can allocate a first wager to a first poker hand and a second wager to a second poker hand. However, each poker hand necessarily requires its own randomly selected outcome. In other words, the first poker hand has a corresponding first randomly selected outcome, e.g., a full house, and the second poker hand has a corresponding second randomly selected outcome, e.g., a royal flush. The wagers, then, can only be allocated (or risked) on separate randomly seiected outcomes.

Independent claims 1, 10, 14, 24, 33, and 41 have been amended to further clarify that the second wager is being risked on the "same randomly selected outcome of the wagering game as the first wager." For example, the first and second wagers are detected on the same reel spin (e.g., same randomly selected outcome), wherein the first wager is detected before playing the reels spin and the second wager is detected after two reels have stopped and while three reels are still spinning. See, e.g., Description Of The Preferred Embodiments, ¶66. Clearly, in contrast to Cooper, which teaches that a second wager may be allocated for a second randomly selected outcome (i.e., a second poker hand), the pending claims are directed to detecting a second wager on the same randomly selected outcome (e.g., the same reel spin). Thus, the Applicants respectfully submit that claims 1, 10, 14, 24, 33, and 41, along with all claims dependent therefrom, are patentable over Walker in view of Cooper at least because Cooper fails to disclose a second wager being risked on the same randomly selected outcome as a first wager."

29. Similar arguments were presented on pages 3-4.

30. However, the examiner is not relying on the embodiments in par 16/22 for the rejection as stated above. In Par 16, Cooper teaches a gaming method wherein T number of cards are randomly chosen. (T-R) number of cards out of T number of cards are shown to the player. The player is giving a chance to increase his/her payout by making a second wager before the system displays the remaining R number of cards to the player.

31. On page 4, applicant argues, "The office action alleges that Fulton provides the motivation to "incorporate Cooper's teachings to provide the player with a chance of a higher payout ratio after the game has started." Although it is unclear where the motivation is disclosed in Fulton, the Applicants' review shows that Fulton teaches increasing a wager because you are likely to win on both a first and a subsequent wager, not because you want to increase your odds of winning on the first wager. For example, Fulton describes that a player is given the option of making an additional wager so that the player has a "chance of increasing his winning payout even though that player may have already received

a definite indication of success." Fulton, col. 1, 11. 54-59 (emphasis added). In other words, a player in Fulton's wagering game can make a second wager after he or she already knows that he or she has won a winning payout. The second wager does not accumulate more value for the first wager. The second wager accumulates more value for the second wager."

32. The examiner respectfully disagrees. In col 1:16-25, Fulton teaches the motivation of providing the player with a chance of a higher payout ratio. Col 2:1-35 shows the teaching of providing means for a first wager. Randomly selecting x number of cards. Displaying some of the cards. Providing an opportunity for the player to make a second wager. The player **may or may not** know that s/he has a winning hand or not. The player makes a second wager if s/he wants to. The system displays the remaining card. Compares the shown hand to pre-selected winning hands and awards a payout, if any, to the player.

33. In addition to the arguments filed 12/26/07, applicant noted:

a. "Initially, the Applicants respectfully note that the office action is ambiguous as to which claims are rejected based on which references. For example, par 2 of the office action alleges that claims "1-13" are unpatentable over U.S. Patent Application Publication No. 2003/0216169A1 to Walker et al. ("Walker") in view of U.S. Patent Application Publication No. 2004/0266507A1 to Cooper et al ("Cooper"). However, par 3-18 of the office action, which describe in more detail the rejections with respect to each claim, also refer to additional claims 15-17, 25, 26, 30, 34, 35, 37, 39, and 42-49. Thus, it is unclear whether these additional claims were simply omitted from par 2 of the office action, or if these additional claims should not be included in 11 3-18 of the office action."

i. Par 3-18 describes in detail the rejections with respect to each claim, however, as noted by the applicant, claims 15-17, 25-26, 30, 34-35,

37, 39, 42-49 were omitted from par 2 of the office action. This was a mistake, claims 15-17, 25-26, 30, 34-35, 37, 39, 42-49 are now added for clarification.

b. "Similarly, in another example, par 2 of the office action refers only to Walker and Cooper. However, par 14 also relies on U.S. Patent No. 5,820,460 to Fulton ("Fulton") to allegedly show "motivation" for combining Walker and Cooper. Thus, it is unclear whether Fulton was simply omitted from 1 2 of the office action, or if Fulton should not be included in I 14 of the office action."

ii. However, applicant should respectfully note, Cooper incorporates by reference the disclosure of Fulton (see Cooper par 16).

c. "Further, the office action cites only to "lines 16-24" of Fulton in support for the alleged motivation of combining Walker and Cooper. The office action fails to cite a specific column of Fulton. Thus, the Applicants are left guessing as to where in Fulton the support for the alleged motivation can be located."

iii. The omission of the col number was by mistake, please see par 13 above for the col number.

Conclusion

34. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMMANUEL OMOTOSHO whose telephone number is (571)272-3106. The examiner can normally be reached on m-f 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EO

/Ronald Laneau/

Supervisory Patent Examiner, Art Unit 3714

03/27/08